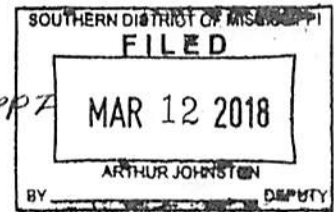


IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF MISSISSIPPI
JACKSON DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)



MAURIE CARR #R4492

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

COMMISSIONER OF M.D.C.
ET AL

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

Complaint for Violation of Civil
Rights

(Prisoner Complaint)

Case No. 3:18cv151CWR-LRA
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Maria Cn #24492

All other names by which you have been known:

ID Number

24492

Current Institution

C.M.C.F. ARETE QUICK BEN

Address

C BUILDING, A-ZONE 107820A
P.O. BOX 88550.
PEARL, MS, 39288
B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

THE CURRENT COMMISSIONERJob or Title
(if known)M.D.O.C (MISSISSIPPI) et. AL

Shield Number

Employer

THE M.D.O.C

Address

P.O. BOX 88550PEARL, MS, 39288☒ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

AMENDMENT # 8 ENTITLED: (CRUEL AND
UNUSUAL PUNISHMENTS UNDER A.D.A
COLOR OF STATE LAW

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

ON ADDED ATTACHMENT PAGES
INCLUDED (PLEASE SEND ME COPIES
OF MY ORIGINAL(S))

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) OPEN PLEA AND SENTENCED) STATE ~~PRISONER~~ PRISONER

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

ON ADDED ATTACHMENT PAPERS
INCLUDED (PLEASE SEND ME COPIES)
OF MY ORIGINAL(S)

- C. What date and approximate time did the events giving rise to your claim(s) occur?

SAME AS ABOVE

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SAME AS ~~THE~~ ABOVE

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

ON ADDED ATTACHMENT PAPERS INCLUDED
(PLEASE SEND ME COPIES OF MY ORIGINALS)

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I WANT FOR THE COURTS TO GRANT ME THE
PERMISSION TO ADVANCE FORWARD IN THE PRO-
CEEDINGS IN MY COMPLAINT, EVEN THOUGH
I FAILED TO EXHAUST MY ARP PROCESS; I
WANT FOR THE COURTS TO AWARD ME MONETARY
CONTINUED ON SEPERATE PEEZES OF PAPER
THOUGH THEY ARE ATTACHED WITH THIS 182

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☐ Yes
☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

THE ENCLOSE FACILITY IN
MY PREVIOUS BEGINNING COMPLAINT.

2. What did you claim in your grievance?

ON ADDED ATTACHMENT PAPERS
INCLUDED

3. What was the result, if any?

NOT ANY, AS OF THIS DATE
3rd, 10th, 2018

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A. NO
OFFICE TOLD ME THAT THERE WASN'T ANY FORMS AV-
AILABLE AND STATED THAT IT WASN'T THEIR JOB TO
GET ME ANY FORMS.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

- ☒ Yes
☐ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

THE U.S. FEDERAL COURTS

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Maurice Carr

Defendant(s) Sheriff Melton Gaston, et al., et al.

2. Court (if federal court, name the district; if state court, name the county and State)

Northern district, Aberdeen Mississippi
pp.

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

2013

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Ferivolous

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3rd, 6th, 2018

Signature of Plaintiff Maurice Carr
 Printed Name of Plaintiff MAURICE CARR
 Prison Identification # R4492
 Prison Address P.O. Box 88550
Pearl, Mississippi 39288
 City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
 Printed Name of Attorney _____
 Bar Number _____
 Name of Law Firm _____

Address

Telephone Number

E-mail Address

This is a Request for Administrative Remedy

Having arrived at this facility Feb. 07, 2018, I immediately began to suffer from discomfort of a rash, which is currently visible upon the upper portions of my body; chest and arms. While foremost uncertain about its nature and cause, I soon noticed that it resulted from the infestation of mold, which is clearly visible upon the ~~sk~~ ceiling of the restroom (in very large green patches), the upper railing of the shower curtain, shower curtains, shower, and to align the cracks, where the floor meets the walls (at its base).

Being "allergic" to mold and "diabetic," I immediately complained to staff about the my condition, rash and unhealthy environment, to no avail. ~~Yet~~ Foremost, being a diabetic it puts me at even a greater risk of infection from irritation of the mold, which also puts me in grave risk of amputation, for I am ~~made~~^{being} to scratch it incessantly.

I submitted a sick call request after informing Nurses at pill window of the m

impending rash, but to date, I am yet to receive any confirmation or assistance. In the meantime I ^{am} still subject to the contaminants of the impending mold, which is not just unsafe to me, but the entire zone, further, a state and federal health code violation.

I beg that I please be ~~move~~ moved from this facility, for the system are poorly ventilated, the living areas filthy and mold infested. All of which makes my punishment cruel and unusual, and violates my 8th Amendment Constitutional Right.

This is my Request for Administrative Remedy. I am thanking you in advance for your time, assistance and understanding.

always remain,

Sincerely Your,

Maurice Carr

Respectfully Submitted this
1 day of March, 2018.

REQUEST THE AMENDMENTS OF THE
UNITED STATES CONSTITUTION.

(RELIEF(S) SOUGHT)
CONT.
- 2 -

DAMAGES FOR ADVERSIVE DAMAGES DEALING
WITH MY MENTAL ANGUISH, PAIN AND SUFFERAGE,
AND ETC; I WANT A "STAY OF CONVICTION" IN
DEALING WITH THIS COMPLAINT; I WANT THE
PERMISSION FOR MY REQUEST OF LEGAL ASSIST-
ANCE TO PROVIDED BY THE COURTS, TO ME IN
DEALING WITH THIS VERY CRITICAL, YET
CHRONIC WITH URGENT REACTION, SITUATION;
~~THESE~~